

16-29-020 Definitions.

1. Adult Arcade. Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
2. Adult Business. An Adult Theater, Adult Motion Picture Theater, Adult Bookstore or Adult Video store.
3. Adult Bookstore or Adult Video Store.
4. A Commercial establishment which:
 - a. Holds itself out to be such a business; or
 - b. Excludes minors from more than ten (10%) percent of the retail floor or shelf space of the premises;
 - c. Which as one of its principal purposes, offers for sale or rental, for any form of consideration, any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations the central theme of which depicts or describes "specified sexual activities" or "specified anatomical areas," or instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities, except for legitimate medically recognized contraceptives.
3. Adult Cabaret. A nightclub, bar, restaurant or similar business which regularly features:
 - a. Persons who appear in a state of nudity; or semi-nudity; or
 - b. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 - c. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
4. Adult Motel. A hotel similar business which offers private rooms to the public and provides patrons live performances or closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
5. Adult Motion Picture Theater. A commercial establishment which:
 - a. Holds itself out as such business; or
 - b. Excludes minors from the showing of two consecutive exhibitions (repeated showings of any single presentation shall not be considered a consecutive exhibition; or
 - c. As its principal business, shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
6. Adult Theater. A theater, concert hall, auditorium, or similar commercial establishment which:
 - a. Holds itself out as such a business; or
 - b. Excludes minors from the showing of two consecutive exhibitions (repeated performances of the same presentation shall not be considered a consecutive exhibition); or
 - c. As its principal business, features persons who appear in live performance in a state of semi-nudity or which are characterized by the exposure of "Specified Anatomical Areas," or by Specified Sexual Activities.
7. Distance. All distances discussed herein as they pertain to buffers from other Sexually Oriented Facilities or Businesses, churches, schools, parks, and residential zone districts are measured as follows:
 - a. In a straight line, without regard to intervening structures, from the nearest property line of the school, park, church, residential zone district or other Sexually Oriented Facility or Business to the nearest property line of the Sexually Oriented Facility or Business [2000-10].
8. Employee. Includes any person who is paid directly or indirectly by the licenses for services performed on the premises whether such person would otherwise as a matter of law be classified as an employee, agent, manager, entertainer or independent contractor.
9. Nudity or State of Nudity. A state of dress in which the areola of the female breast, or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of semi-nude.

10. Operator. The manager or other natural person principally in charge of a Sexually Oriented Business.
11. Peep Booth. A viewing room, other than a private room, or less than one hundred fifty (150) square feet of floor space upon the premises of a sexually oriented business where there is exhibited photographs, films, motion pictures, video cassettes, or other video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.
12. Semi-Nude. A state of dress in which a person wears opaque clothing covering
 - a. only the male or female genitals, pubic region, anus or
 - b. the nipple and areola of the female breast, by an opaque cover that is four inches wide in the front and five inches wide in the back tapering to one inch at the narrowest point.
13. Semi-Nude Dancing Agency. Any person, agency, firm, corporation, partnership, or any other entity or individual which furnishes, books, or otherwise engages or offers to furnish, book, or otherwise engage the service of a professional dancer for performance or appearance at a business licensed pursuant to this chapter.
14. Semi-Nude Entertainment Business. A business, including an Adult Theater, where employees perform or appear in the presence of patrons of the business in a state of semi-nudity. A business shall also be presumed to be a Semi-Nude Entertainment Business if the business holds itself out as such a business.
15. Sexual Encounter Establishment. A business or commercial establishment, which as one of its primary business purposes, offers for any form of consideration, a place where two (2) or more person may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one or more of the persons exposes any specified anatomical area.
16. Sexually Oriented Business. Semi-Nude Entertainment Business, Adult Business, and Semi-Nude Dancing Agencies, as defined by this Chapter. An adult arcade, adult bookstore, adult-video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment or other similar business and includes:
 - a. The opening or commencement of any sexually oriented business as a new business.
 - b. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business.
 - c. The addition of any sexually oriented business to any other existing sexually oriented business.
 - d. The relocation of any sexually oriented business; or
 - e. The continuation of a sexually oriented business in existence on the effective date of this ordinance.
17. Specified Anatomical Areas. The human male or female pubic areas or anus with less than a full opaque covering, or the human female breast from the beginning of the areola, papilla or nipple to the end thereof with less than full opaque covering.
18. Specified Sexual Activities.
 - a. Acts of :
 - i. Masturbation;
 - ii. Human sexual intercourse; or
 - iii. Sodomy
 - b. Manipulating, caressing or fondling by any person of:
 - i. The genitals of a human;
 - ii. The pubic area of a human; or
 - iii. The breast(s) of a human female
 - c. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.
 - d. Intrusion, however slight, of any object, any part of an animal's body, or any part of a person's body into the genital or anal opening of any person's body or into the body of an animal.
 - e. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function.
19. Stage. A raised floor or platform at least three (3) feet above the surrounding floor measured perpendicularly from the edge of the stage to the surrounding floor and at least thirty six (36) square feet in area.